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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/240,250	01/29/1999	BRIAN BOESCH		7144

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EXAMINER

NGUYEN, CUONG H

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 07/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/240,250</b>	Applicant(s) <b>Boesch</b>
Examiner <b>Cuong H. Nguyen</b>	Art Unit <b>3625</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on May 8, 2002

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-79 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-79 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892) 18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20)  Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office Action is the answer to the IDS received on 3/15/2001, which paper has been placed of record.
2. Claims **1-79** are pending in this application.

**Response:**

There have been several issues still existed about claimed language that the examiner called the attorney of the record (Mr. Christopher B. Kilner, Reg.# 45,381) for an interview, Mr. Kilner said on 7/24/02 that another firm has taken over this case's prosecution and given the new attorney name (Mr. Gary S. Morris Reg.# 40735, KENYON & KENYON - 1025 CONNECTICUT AVE., N.W.; SUITE 600 - WASHINGTON, DC 20036; tel. 202-220-4250) but there was no Power of Attorney paper in the case for this attorney. Mr. Morris said in an interview with the examiner on 7/26/02 that he would try to contact the inventor to obtain said paper and would give the examiner a copy by Fri. 7/26/02 or by Mon. 7/29/02; until then, no discussion on details of this application is allowed. The examiner submits further explanation to clarify his position about previous rejections in responding to applicant's argument while waiting for a detail interview with the new attorney of the record about these pending issues. The examiner's opinion about the pending claims as following:

- In the claims for "a system" with components or modules or devices etc., only physical structure would be considered as having weights.

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- The subject matter as a whole would be obvious to one of ordinary skill in the art according to cited references and the examiner did examine each pending claim as a whole.
- On page 4, para.6 (of the response dated 5/08/02), the applicant said "there is no suggestion or motivation" because "to have the merchant (Amazon.com) maintain the consumer's wallet" but this fact (having a merchant maintains a consumer's wallet) was never been distinguished in pending claims. In the next para.#2 of page 5, the use of the words "at least one merchant computer" in claims made the amazon.com's prior art proper although the applicant argues that he meant differently.
- Note: MS Computer Dictionary defines that wallet PC is a pocket-size portable computer designed to function like a wallet, carrying "virtual" versions of one's identification, money, credit cards, and other essentials, as well as a mobile information source and communications tool; according to this definition, the "wallet PC" (a main subject matter) of this invention is not in pending claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) *A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

4. Claims 1-79 are rejected under 35 U.S.C. § 103(a) as being unpatentable over **amazon.com, Inc.** in view of the Official Notice.

After examine pending claims, the examiner submits that besides well-known claims' limitations, the only "arguable" limitation in independent claims describing: sending a message to a server, that server would forward said message comprising a computer address, then "automatically" access that address. This limitation has been done in computer processing, (that limitation is the only feature in claims that the examiner think to be the main idea for these pending claims) because instead of putting a computer address in an email, user can type in "GO TO" block to access that same address OR the same method has been INHERENTLY DONE by a server. Such claims' limitations have been widely used in Internet accessing (specifically **amazon.com** 's applications), and those Internet widely used features are very convenient for the users because it directly let the user immediately access

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wanted computer's sites. (Another example is a server let user access to its site, then inside the server there are address that matches the user's need, then the user only need to "click" to activate said wanted computer address). Moreover, 35 USC 103(a) rejections are proper for using submitted IDS to reject pending claims 1-79 with that very broad claimed languages; those references determine that what the applicant is seeking to claim is not inventive.

According to claims' structure, there are 3 separate components: consumer's computer, information server, and merchant's computer. These components are connected by networks (well-known), and exchanging information (emails, messages .etc.); the examiner submits that there is nothing inventive of claiming this configuration according to prior art.

#### *Conclusion*

5. Claims 1-79 are not patentable.

6. The following references are cited because their disclosure read-on the pending claimed:

- Conklin , et al. US Pat. 6,141,653 pri.11/16/98 pub.

10/31/00: System for iterative, multivariate negotiations over a network wherein A multivariate negotiations engine for iterative bargaining which: enables a sponsor to create and administer a community between participants such as buyers and sellers having similar interests; allows a buyer/participant to search and

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evaluate seller information, propose and negotiate orders and counteroffers that include all desired terms, request sample quantities, and track activity; allows a seller/participant to use remote authoring templates to create a complete Website for immediate integration and activation in the community, to evaluate proposed buyer orders and counteroffers, and to negotiate multiple variables such as prices, terms, conditions etc., iteratively with a buyer. The system provides secure databases, search engines, and other tools for use by the sponsor, which enable the sponsor to define the terms of community participation, establish standards, help promote the visibility of participating companies, monitor activity, collect fees, and promote successes. All this is done through a multivariate negotiations engine system operated at the system provider's Internet site, thus requiring no additional software at the sponsors', or participant sellers', or buyer's sites. This also allows buyers and sellers to use and negotiate payment options and methods that are accepted internationally. The system maintains internal databases that contain the history of all transactions in each community, so that sponsors, buyers and sellers may retrieve appropriate records to document each stage of interaction and negotiation. Documents are created by the system during the negotiation process.

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- **Breed et al.** (US Pat. 6,067,528 May 23, 2000) Confidential market making system wherein A system for allowing users to present themselves to an on-line market with a number of information "veils" which, upon removal, reveal increasing levels of confidential information relating to the business being sold (if a seller) or sought (if a buyer). As prospective buyers (or sellers) consider entering into negotiations with prospective sellers (or buyers), the parties remove the veils one at a time, sequentially affording each complete control over the rate, quantity, and nature of information revealed to the other. The communications are specific between two parties and either party can terminate the communication at any point in the process. Each step is controlled by the user, but executed through the central CBeX System. All veil information concerning system users is directly loaded by the users into the system.

- **Barnes et al.** (US Pat. 5,970,475 October 19, 1999) Electronic procurement system and method for trading partners wherein An Electronic Commerce system enables corporate purchasers and suppliers to electronically transact for the purchase and supply of goods/services. The system includes three major hardware and software components: buyer, supplier and bank/administration. To enable suppliers to supply goods and services online and process electronic orders, several software components are used for operating a supplier processor server and

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a supplier catalog server. To enable corporate purchasers to purchase products and services online, preferably over the Internet, from suppliers, software is used for operating a customer server to which multiple users may log-on and access the supplier server. An Automated Clearing House (ACH) server may be used to interface with a bank's (ACH) systems. A service bureau that supplies the hardware and/or software components and assists to administer the system includes a transaction counter, which records transactions and charges the buyers and/or suppliers based on the number of purchase orders and/or invoices issued. Although the present invention has been described in relation to particular embodiments thereof, many other variations, modifications and other uses will become apparent in those skilled in the art. It is preferred that the present intention be limited not by the specific disclosure herein, but by the scope of the appended claims.

- **Boesch et al.**, (US Pat. 6,092,053 - 7/18/2000) System and method for merchant invoked electronic commerce; wherein A system and method for merchant invoked electronic commerce allowing consumers to purchase items over a network and merchants to receive payment information relating to the purchases. The system includes a server having software which gathers the purchasing information from a consumer to complete a purchasing transaction

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over a network. The system has a consumer data structure that stores purchasing information for registered consumers. The software is able to access the consumer data structure and enter the consumer's purchasing information during subsequent purchases. Having the software obtain and enter the consumer's purchasing information, the consumer does not have to enter the same information every time they purchase an item over the network. In alternate embodiments, the same technology can be applied to other arenas where a user may have to enter the same repetitive information.

- **Sloo**, US Pat. 5,668,953 9/16/1997 Method and apparatus for handling a complaint; wherein a method and apparatus for handling a complaint and associated response in a computer by way of a telecommunications network is provided. The complaint handling method includes the steps of receiving a complaint, notifying the subject of the complaint, receiving a response to the complaint from the subject, and storing the complaint and associated response on a publicly accessible computer bulletin board.
- **Kramer** (US Pat. 6,002,767 - 12/14/1999) System and method , and article of manufacture for a modular gateway; wherein, a Secure transmission of data is provided between a plurality of computer systems over a public communication system, such as the Internet. Secure transmission of data is provided from a customer

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computer system to a merchant computer system, and for the further secure transmission of payment information regarding a payment instrument from the merchant computer system to a payment gateway computer system. The payment gateway system evaluates the payment information and returns a level of authorization of credit via a secure transmission to the merchant which is communicated to the customer by the merchant. The merchant can then determine whether to accept the payment instrument tendered or deny credit and require another payment instrument. An architecture that provides support for additional message types that are value-added extensions to the SET protocol is provided by a preferred embodiment of the invention. A server communicating bidirectionally with a gateway is disclosed. The server communicates to the gateway over a first communication link, over which all service requests are initiated by the server. The gateway uses a second communication link to send service signals to the server. In response to the service signals, the server initiates transactions to the gateway or presents information on an a display device.

- **Perkowski** , US Pat. 5,950,173 - 9/07/1999 System and method for delivering consumer product related information to consumers within retail environments using Internet-based information servers and sales agents wherein, A system and method are disclosed for finding and serving consumer product-related

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information over the Internet to consumers in retail shopping environments, as well as at home and work, and on the road. The system includes Internet information servers which store information pertaining to Universal Product Number (e.g. UPC number) preassigned to each consumer product registered with the system, along with a list of Uniform Resource Locators (URLs) that point to the location of one or more information resources on the Internet, e.g. World Wide Web-sites, which related to such registered consumer products. Upon entering the UPC number into the system using a conventional Internet browser program running on any computing platform or system, the menu of URLs associated with the entered UPC number is automatically displayed for user selection. The displayed menus of URLs are categorically arranged according to specific types of product information such as, for example: product specifications and operation manuals; product wholesalers and retailers; product advertisements and promotions; product endorsements; product updates and reviews; product warranty/servicing; related or complementary products; product incentives including rebates, discounts and/or coupons; manufacturer's annual report and 10K information; electronic stock purchase; etc. Web-based techniques are disclosed for collecting the UPC/URL information from manufacturers and transmitting the same to the Internet-based databases of the system.

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- Mital (US Pat. 5,903,652 - 5/11/1999) System and apparatus for monitoring secure information in a computer network; wherein, A secure transaction system apparatus and method provide for the auditing of secure messages in a computer network. The secure transaction system includes an electronic commerce service which is in communication with multiple consumer computers and multiple merchant computers. The consumer computers initiate consumer transactions between the consumer computers and the merchant computers. Each consumer transaction can include different items, different merchants, different shipping methods and different payment instructions. An order object within the consumer computer stores summaries about the different items, the different merchants, the different shipping methods and different payment instructions during creation of each commercial transaction. While generating transaction data, the consumer computer also generates related audit data. The consumer computers encrypt the transaction data and the audit data into different encryption formats and send the encrypted transaction data and the encrypted audit data to the electronic commerce service. The electronic commerce service decrypts the audit data and stores copies of the encrypted transaction data. The electronic commerce service also routes the encrypted transaction data to the merchant computers. The merchant computers decrypt the encrypted transaction data and complete the desired

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commercial transaction. Thus, the electronic commerce service can audit secure transactions while maintaining confidentiality.

- **Moen et al.** (US Pat. 5,864,604 - 1/26/1999) Method of providing message service for limited access telecommunications; wherein, the present invention is directed to a method of operating a telecommunications system for providing a message service to a plurality of end users. Existing telecommunications lines in conjunction with a telecommunications network system such as the Internet, Intranet, Extranet or similar environment is utilized. A computerized system can be used to establish a billing system for sponsors and to form an account for each sponsor purchasing subsequent usage relating to a site address. The method also includes distributing a user unit to each of a plurality of end users for accessing the site address. Each user unit is given the site address, and at least one unique personal identification number. In connection with said billing system, the computerized system is programmed to permit a call of a preset message limit to be made by each end user to the site address provided. This is based on the distributed user unit and accessed only by the unique personal identification number provided to the end user. In response to an end user accessing the site address, a predetermined message is provided in accordance with the preset message limit. The messages record of each consumed user unit is captured by the computerized system

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and can be used by the sponsor for database marketing. The session is terminated and an appropriate amount is charged to the account of the sponsor.

- **Teper et al.** (US Pat. 5,815,665 - 9/29/1998) System and method for providing trusted brokering services over a distributed network; wherein, a Online Brokering Service provides user authentication and billing services to allow users to anonymously and securely purchase online services from Service Providers (SP) sites (e.g., World Wide Web sites) over a distributed public network, which may be an untrusted public network such as the Internet. Users and SP sites initially register with the Brokering Service, and are provided with respective client and server software components for using the Brokering Service. In one embodiment, when a user initially connects to an SP site, the SP site transmits a challenge message over the public network to the user computer, and the user computer generates and returns and cryptographic response message (preferably generated using a password of the user). The SP site then passes the response message to the Brokering Service, which in-turn looks up the user's password and authenticates the response message. If the response message is authentic, the Online Brokering Service transmits an anonymous ID to the SP site, which can be used for subsequently billing the user. In addition, the Online Brokering Service transmits user-specific

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access rights data to the SP site, allowing the SP site to customize its services for the particular user. Billing events generated by the SP sites are transmitted to the Brokering Service, which maintains a user-viewable bill that shows all charges from all SP sites accessed by the user. Advantageously, the payment information (e.g., credit card number) and other personal information of users are not exposed to the SP sites, and are not transmitted over the distributed network.

**Shane** ,US Pat. 5,793,972 8/11/1998 System and method for providing an interactive response to direct mail by creating personalized web page based on URL provided on mail piece; wherein a system for providing an interactive response to direct mail programs comprises a recipient database, a mail generator, and a web server computer operationally connected through the Internet to remote computers accessible by direct mail recipients. The recipient database stores data records containing addressing information such as the name, mail, fax or e-mail address, and a unique personal identification code for each direct mail recipient. The mail generator retrieves recipient data from the database and generates a multiplicity of direct mail pieces each displaying the name, address, and a uniform resource locator containing the personal identification code for one recipient. A responding recipient accesses the web server computer by entering the uniform resource locator displayed on

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the direct mail piece into a web browser on a remote computer. The web server computer retrieves recipient data from the recipient database correlated to the personal identification code contained in the uniform resource locator and uses this recipient data to create a unique interactive web page.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong H. Nguyen whose telephone number is 703-305-4553. The examiner can normally be reached on Mon.-Fri. from 7:15 AM to 3:15 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins, can be reached on (703) 308-1344.

Any response to this action should be mailed to:

Amendments

*Commissioner of Patents and Trademarks  
Washington D.C. 20231*

or faxed to:

(703) 305-7687 [Official communications; including

***After Final communications labeled "Box AF"]***

703-746-5572 (RightFax) Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

*Cuonghnguyen*  
Primary Examiner  
July 15, 2002